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PART IV.

Section 2-D

RULES MADE BY THE HIGH COURT OF MYSORE.

NOTIFICATION.

No. R. I is. 11, dated Bangalore, 8th July 1952.

The Mysore Bar Council Rules.

In exercise of the powers conferred by sub-section (2) of Section 6 of the Indian Bar Councils Act, 1926 (Central Act XXXVIII of 1926), the High Court of Mysore is pleased to make the following Rules regarding the constitution and procedure of the Bar Council for the High Court of Mysore :—

1. In these rules unless there is anything repugnant in the subject or context and subject to the provisions of Rule 40 :—

(i) "Act" means the Indian Bar Councils Act, 1926.

(ii) "Advocate-General" means the Advocate-General in Mysore.

(iii) "Bar Council" means the Bar Council to be constituted for the High Court of Mysore.

(iv) "Barrister" means a barrister of England or Ireland or a member of the Faculty of Advocates in Scotland.

(v) "Chairman" means the Chairman of the Bar Council or in his absence the Vice-Chairman as provided by Section 4 (4) of the Act.

(vi) the "High Court" means the High Court of Mysore.

(vii) "Secretary" means the Secretary or other person to be appointed by the Bar Council to perform the duties of a Secretary however designated and shall include any person appointed under Rule 9.

(viii) "Voter" means any person whose name is entered on the roll of Advocates maintained by the High Court under Section 8 (2) of the Act and who is resident in India at the time of the election.

2. The Bar Council shall be the accredited representative of the Bar and its duty shall be to deal with all matters affecting the profession and to take such action thereon as provided for by the Act.

3. The Bar Council shall consist of—

(i) the Advocate-General for the time being,

(ii) four persons nominated by the High Court in accordance with Section 4, (1) (*b*) of the Act, and

(iii) ten persons elected from among the Advocates who are on the date of the election entitled as of right to practise in the High Court.

4. Elections to the Bar Council shall be held at such place and on such day and within such hours as the Chairman may appoint, but not later than one month after the term of office of elected members who shall vacate office shall expire.

5. (i) Notice of such time and place shall be given by publication in the *Mysore Gazette*, over the signature of the Secretary not less than 30 days before the date of the election.

(ii) Copies of such notice shall also be sent by the Secretary to the Advocate-General and to the Presidents of the Law Associations at all the District Headquarter towns and to all District Judges in the Mysore State, to be affixed as they may direct.

6. Every candidate for election as a member of the Bar Council shall be proposed by two voters by a letter addressed to the Secretary. The same shall be delivered to the Secretary on or before a date to be fixed by him which shall be not less than 30 days before the date fixed for election.

7. Any person proposed may, by writing, withdraw his name as a candidate at any time before a date which may be notified by the Secretary and which shall be not less than seven days before the date fixed for the election.

8. Not less than seven days before the date fixed for the election the Secretary shall cause a list of the names of all candidates duly proposed to be posted on a

notice-board in the Court House and shall send copies of such list to the Presidents of the Law Associations at all the District Headquarter, towns and to all District Judges in the Mysore State.

9. Elections and all matters relating thereto provided for by these rules shall be conducted by the Secretary or such person as the Bar Council may appoint to discharge the duties of the Secretary under these rules and the Secretary or such person may with the approval of the Chairman appoint any person or persons to assist him in the conduct thereof.

10. If ten or less than ten candidates are proposed and nominated for election, they shall be deemed to be elected and if the number of candidates so proposed and nominated be less than ten, the Bar Council as elected, shall have power to fill up the remaining vacancies in the manner provided for filling a casual vacancy.

If more than ten candidates are proposed, the election shall be by voting papers as provided in the succeeding rules.

11. A roll of Advocates entitled as of right to practise in the High Court shall be prepared consisting of two parts: those who are of more than 10 years' standing and those who are of less than 10 years' standing with the address of each member. Any person who desires to change his address shall notify his intended change of address to the Secretary of the Bar Council.

12. A voting paper will be issued to every voter, but any person entitled to vote who has not entered his name and address shall not be supplied with a voting paper except on a written application to the Secretary.

13. Voting shall be by ballot and shall be in accordance with the procedure to be fixed by the Secretary.

14. All voting papers when filled in and signed shall be delivered or sent by post to the Secretary so as to be received by him on or before 3 P.M. of the day fixed for election and any voting paper received thereafter shall be rejected.

15. (i) A voter shall vote by placing a cross against the name of any candidate for whom he desires to vote.

He shall not place a cross against more names than the number of members to be elected. He shall not give more than one vote to one candidate. In the event of any erasures or alterations on the voting paper or of an excessive number of votes purporting to have been given, the voting paper shall be deemed to have been defaced and no votes purporting to have been given thereby shall be counted.

(ii) The decision of the Advocate-General whether a voting paper has or has not been defaced shall be final.

16. At the conclusion of the voting the votes shall be counted and the voting paper shall thereupon be placed in a box and sealed and the names of the candidates shall be set out in a list which shall specify the number of votes obtained by each.

17. (i) The number of candidates who shall be declared to have been elected shall be the first ten who obtain the highest number of votes.

(ii) In the event of an equality of votes, the Secretary shall draw lots in the presence of the Advocate-General for the purpose of deciding the priority between the candidates having the same number of votes.

18. Of the elected members of the Council not less than five shall be persons who have for not less than ten years been entitled as of right to practise in the High Court of Mysore.

19. A list of candidates declared elected to the Bar Council shall be prepared and signed by the Secretary and submitted by him to the Advocate-General who shall certify the same by his signature and the same shall be filed as of record by the Secretary. Copies thereof shall be published in the *Mysore Gazette* and sent to the Advocate-General and the Presidents of the Law Associations at all the District Headquarter towns in the Mysore State to be affixed as they may direct and to all the Civil Courts in the State.

20. A candidate may contest the validity of the election of a candidate declared to have been elected to the Bar Council by a letter signed by him and addressed to the Secretary. Such letter shall state the grounds upon which the validity of such election is contested and

shall be delivered to the Secretary within seven days of the date of the publication in the *Mysore Gazette* of the list required by Rule 19 to be so published and after the expiry of seven days from the date of such publication the validity of the election shall not be challenged by a candidate on any ground whatever.

21. At any time within 30 days from the date of the publication aforesaid of the said list the Advocate-General may refer in writing to the Committee constituted by Rule 23 any question relating to the validity of a candidate declared to have been elected to the Bar Council.

22. At the expiry of 40 days from the publication aforesaid of the said list the election shall be final and the voting papers shall be destroyed provided that in the event of the validity of an election being challenged under Rule 20 or of a reference under Rule 21 the voting papers shall be preserved and dealt with as the Committee appointed under Rule 23 may direct.

23. All matters arising under Rules 20 and 21 shall be decided by a Committee of three Judges to be nominated by the Chief Justice and the said Committee shall be at liberty to hold such enquiry and in such manner as it may see fit. The decision of a majority of the said Committee shall be final as to any question that may arise at the said enquiry and in relation thereto and upon any matter referred to or to be enquired into by them under these rules.

24. If the said Committee shall decide that a candidate has not been validly elected the vacant place on the Bar Council shall be filled as hereinafter provided in the case of a casual vacancy.

25. Elected members going out of office shall be eligible for re-election.

26. Nominated members shall go out of office at the expiry of three years from the date of the first meeting of the Bar Council and annually thereafter on the further expiry of one year from the said date but shall be eligible for re-nomination.

The term of office of the elected members shall be three years from the constitution of the Bar Council.

27. Casual vacancies which may occur among the elected members may be filled up by the Bar Council and the person filling up a vacancy shall go out of office with the end of the term of that Bar Council. In the event of two or more candidates having received the same number of votes, the Chairman shall have a casting vote.

28. Any elected member of the Bar Council who fails to attend three consecutive meetings of the Bar Council shall be deemed to have vacated his seat and the same shall be deemed a casual vacancy and he shall be eligible for re-appointment under Rule 25.

29. The Bar Council shall be deemed duly constituted notwithstanding any vacancy in elected or nominated members.

30. Meetings of the Bar Council shall be convened by the Secretary under the direction of the Chairman, or, in his absence from Bangalore, of the Vice-Chairman, who shall determine the time and place thereof, provided that no meeting shall be convened for any date falling within a vacation of the High Court.

31. Notices of meetings of the Bar Council shall be given as the Bar Council may from time to time determine.

32. The Bar Council shall elect from among their members a Vice-Chairman at a meeting held for the purpose. Any candidate for the office of Vice-Chairman shall be proposed and seconded by members of the Bar Council.

33. The election of the Vice-Chairman shall be by ballot to be held in such manner as the Chairman shall determine. If the votes are equal, the Chairman shall have a casting vote.

34. The quorum of the Bar Council shall be five. Each member of the Bar Council shall have a vote and the Chairman shall have a casting vote.

35. No matter determined by a resolution of the Bar Council shall be reconsidered or re-opened within six months from the date of such resolution and the Chairman

shall decide if a matter is within this rule and his decision shall be final.

36. The Bar Council shall have power to appoint a Secretary, Treasurer, Officers and Servants as may be necessary as provided for in the by-laws of the Bar Council under the Act.

37. The funds received by the Bar Council shall be at its disposal for the payment of such salaries and other expenses as the Bar Council may incur in promoting the objects for which it is constituted.

38. The Bar Council shall have power to appoint Standing Committees if it thinks fit and delegate to them such powers or duties of the Bar Council as may seem desirable.

39. The Bar Council may make such rules of business as it may think fit not inconsistent with the Act or the rules.

40. For the purposes of the first election to be held under the Act and these rules :—

(i) In Rules 5, 6, 8, 9, 11, 12, 14, 17 (i), 19 and 20 "Registrar" shall be substituted for "Secretary".

(ii) In Rule 4 "Chief Justice of Mysore" shall be substituted for "Chairman".

(iii) In Rule 15 (ii) the words "such Judge of the High Court as the Chief Justice may appoint" shall be substituted for the words "the Advocate-General".

(iv) From Rule 9 the words "or such person as the Bar Council may appoint to discharge the duties of the Secretary under these Rules" and the words "or such person" and the words "with the approval of the Chairman" shall be deleted.

(v) To Rule 16 the words "and a copy sent to the Chairman of the Bar Council when constituted" shall be added.

(vi) From Rule 17 (i) the words "in the presence of the Advocate-General" shall be deleted.

(vii) From Rule 19 the words "and submitted by him to the Advocate-General who shall certify the same by his signature" shall be deleted.

(viii) "Registrar" means the Registrar of the High Court and shall include any person appointed by him under Rule 9.

T. KEMPAIYA,
Registrar.

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